IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5163 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MEGHRAJ GRAM PANCHAYAT

Versus

STATE OF GUJARAT

Appearance:

Mr. NK Pahwa for MR PM THAKKAR for Petitioner

Mr. IM PandyaAGP for Respondent No. 1

MR GK UPADHYAY for Respondent No. 2

MR ND NANAVATI for Respondent No. 3

NOTICE SERVED for Respondent No. 4

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 06/10/2000

ORAL JUDGEMENT

Heard Mr. Pahwa, learned advocate for the petitioner and learned AGP Mr. Pandya for respondent NO.1 and learned advocate Mr.Upadhyaya for respondent NO.2 and learned advocate Mr. Nanavaty for respondent NO.3. Notice of rule has been served. However, nobody has remained present for respondent No.4. This petition was admitted by this court on 31st July, 1992 and by way of ad.intierim relief, operation and implementation of the order passed by the Addl. Development Commissioner dated 3rd July, 1992 (ANnexure "C") was stayed in so far as it contains the direction of setting aside the entire resolution no. 101 dated March 6, 1992. It was also ordered that the directions as regards exemption granted by the panchayat by resolution no. 101 dated March 6, 1992 in respect of commodities falling in entry no.1 and entry no.23 of Schedule I to the Octroi Rules is not stayed i.e. the exemption granted in respect of the aforesaid commodities shall not be operated. Said ad interim relief granted by this court while issuing rule has been confirmed subsequently by this Court by order dated October 21,1992 and the same has continued to operate till this date.

Today, when the matter was taken up for final hearing, learned advocate Mr. Pahwa appearing for Mr. Thakkar, learned advocate for the petitioner has submitted before this court that the papers of this petition have been taken over by Meghraj Gram Panchayat and as such, they are now not appearing for the petitioner herein.

It is necessary to consider the fact that in this petition, order dated 3.7.1992 is under challenge wherein the additional development commissioner has allowed the revision application no. 88 of 1992. Affidavit reply has been filed by respondent No. 2 which is on record and affidavit in rejoinder has also been filed by the petitioner which is also on record. Taking into consideration the interim relief granted in this matter and which has operated till this date and also taking into consideration the passage of time, as per my view, this petition has become infructuous and is required to be disposed of as such. Therefore, this petition is disposed of as having become infrustuous. Rule is discharged. Interim relief granted earlier shall stand vacated with no order as to costs. It will, however, be open for the petitioner to apply for revival in case of difficulty.

6.10.2000. (H.K. Rathod,J.)
Vyas